

REMARKS/ARGUMENTS

Claims 5-21 are pending in this application. Claims 6, 8-10, 12-15, 17 and 21 are withdrawn in response to a Restriction Requirement. Applicants reserve the right to pursue these claims in a divisional application. In response to the election of species requirement, Applicants elected the species of Structure A wherein R₂ is OH, R₃ is H, R₄ is NO₂, R₅ is H and R₆ is H. Claim 5 is amended; support for the amendment is in original claim 5. Claim 18 is amended; support for the amendment is in original claim 18. In view of the amendments and remarks made herein, Applicants respectfully request reconsideration of claims 5, 7, 11, 16, and 18-20.

Rejections under 35 U.S.C. § 112, Second Paragraph

Claims 5 and 18 are rejected under 35 U.S.C. § 112, second paragraph, as indefinite. Specifically, original claims 5 and 18 contained the proviso that states when R₂, R₃, R₄, R₅ and R₆ are all H, R₄ is not OH or OCH₃, and thus contains an extra recital of R₄, making the claims indefinite. Applicants have amended claims 5 and 18 to recite “provided however that when R₂, R₃, R₅, and R₆ are all H, R₄ is not OH or OCH₂CH₃. Claims 5 and 18, as amended, are no longer indefinite.

Rejections under 35 U.S.C. §103(a)

Claims 5, 7, 11, 16 and 18-20 are rejected under 35 U.S.C. § 103(a) as unpatentable over Clifford *et al.* (Chem. Abst. 130:232097, hereinafter referred to as “Clifford”), or and D’Ambrosio, (Chem. Abst. 134:65874, hereinafter referred to as D’Ambrosio) in view of Konig *et al.* (DE 2,300,107, hereinafter referred to as “Konig”).

Neither Clifford nor D’Ambrosio teach or suggest the use of a nitro group on the phenyl ring of a phenyl-substituted retinamide. Neither Clifford nor D’Ambrosio teach or suggest adding more than one substituent to the phenyl ring of a phenyl-substituted retinamide. Konig, while teaching phenyl-substituted retinamide derivatives having more than one group on the phenyl moiety, does not teach or suggest the use of a hydroxyl group on the phenyl moiety. No combination of Clifford and/or D’Ambrosio with Konig teaches or suggests the use of both a nitro group and a hydroxyl group on the phenyl ring of a phenyl-substituted retinamide.

Furthermore, no combination of Clifford and/or D'Ambrosio with Konig teaches or suggests a hydroxyl group at the 2-position and the use of a nitro group at the 4-position.

At best, combination of Clifford and/or D'Ambrosio with Konig may suggest to one skilled in the art that it may be "obvious to try" substituting more than one group on the phenyl ring of a phenyl-substituted retinamide, without providing any teaching or suggestion other than merely choosing substituents from a list. Nowhere do Clifford, D'Ambrosio or Konig teach or suggest where on the phenyl ring one might make those substitutions. Clifford and D'Ambrosio show N-(4-hydroxyphenyl)retinamide, and N-(2-hydroxyphenyl)retinamide and N-(3-hydroxyphenyl)retinamide, respectively. There is no guidance as to whether the 2, 3, or 4-position may be most effective. There is no teaching or suggestion as to which position may be most effective if there is a second substituent on the phenyl ring. Nor does Konig provide that guidance. Konig merely says if the disclosed retinamide derivative contains a substituted phenyl at the R² position, the substituted phenyl may contain a nitro group, among several other groups, without providing any teaching or suggestion of which position on the phenyl the nitro group may be placed to make an effective anti-cancer agent. Since no combination of the references teaches or suggests using both a hydroxyl and a nitro group, nor does any combination teach or suggest a N-(2-hydroxy-4-nitrophenyl)retinamide, Applicants respectfully submit that claims 5, 7, 11, 16 and 18-20 are non-obvious over the cited references.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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